



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (MILIMANI LAW COURTS)
CIVIL CASE 503 OF 1999

MICHAEL KINGE.....APPELLANT

-VERSUS-

GRACE WANJIKU KINYANJUIRESPONDENT

RULING

I. BACKGROUND

1. On the 4th February 2005 Ransely J (as he then was) entered judgment on a consent of the appeal before this court that concerned land.

2. Namely, that the land parcel No. Ndumberi/Ndumberi/401 registered in the names of Muira Goko – a person of - a person of unsound mind be changed in the names of Michael Kinge and Lucy Njeri Muira (daughter of Muira Goko).

That the said Michael Kinge be vested with responsibility of sub-dividing land registration Ndumberi/Ndumberi/401 between Lucy Njeri Muira, Mary Wanjiku and Gladys Wanjiru Nganga and a portion to be held as trustees for Muira Goko.

3. The reasons being that Muira Goko was a person of unsound mind. By the said consent no application under order 31 Civil Procedure Rules had been made for guardian ad litem next of friend. The persons Michael Kinge and Lucy Njeri were referred to as Trustees. Trustees once appointed remain so unless otherwise removed.

4. To remove them as trustees an application is to be made under order 31 Civil Procedure Rules. The application before court seeks the review of this court orders. It amounts to in effect altering substantially the consent orders entered herein.

4. I would believe to review the orders of Ransely J, I believe the application should be brought under another format and not of review.

5. The application is dismissed. There will be costs in the cause.

DATED THIS 12TH DAY OF MARCH 2008 AT NAIROBI

M. A. ANG'AWA

JUDGE

J.M. Achoai of Kanyi Koge & Co. Advocates for the appellant – present
Grace Wanjiku Kinyanjui – in person